



Scott McCallum
Governor

A Newsletter of the DENTISTRY EXAMINING BOARD

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MISSION OF THE WISCONSIN DENTISTRY EXAMINING BOARD

"To protect the dental health and well being of the public and facilitate access to safe and adequate dental care for all citizens of Wisconsin."

Dental Testing and Medical Testing Revisited

During the last two years there has been a great deal of controversy in the dental community following the passage of the ADA Resolution 64H which called for the elimination of live patients in the testing process that is required for licensure. Therefore, it may be of interest to our license holders that our medical colleagues have begun to imitate the current dental model.

THE WISCONSIN DENTISTRY EXAMINING BOARD

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Beginning in the fall of 2004, the Federation of State Medical Boards and the National Board of Medical Examiners are planning to incorporate a test of clinical skills using live patients. The examination will consist of 10 to 12 encounters between candidates and live patients carefully trained to portray conditions common in outpatient settings. Candidates will spend approximately 15 minutes with each patient gathering a history and conducting a focused physical examination. They will then have 10 minutes to record their findings. All graduates of American medical schools and foreign schools will be required to take the examination as part of their licensure requirements.

Currently, American and Canadian graduates are required to take written examinations in clinical skills. Despite this requirement, more than 20% of American candidates and as many as 10% of Canadian candidates fail to pass the clinical skills examination on the first attempt. Ultimate failure rates are lower, but the written clinical skill examinations are

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hurdles that a substantial number of candidates are unable to meet even after repeated attempts.

Similar outcomes are expected with the live patient skills examination. It is estimated that a total of 2000 to 2500 US and international candidates will fail the clinical skills examination on the first attempt; approximately 600 to 700 candidates per year will not pass the examination even after repeated attempts.

It is the view of the Federation of State Medical Boards and the National Board of Medical Examiners that although it is not likely that a clinical skills examination will screen out all candidates for licensure who otherwise would subsequently come to the attention of state medical boards, it is reasonable to assume that it will decrease the number of such physicians. Furthermore, the cost of removing physicians from practice is far higher than the cost of preventing them from entering practice. And the cost incurred by the healthcare system and by the patient community is exponentially higher when physicians who have insufficient clinical skills receive licenses to practice medicine.

In response to the question of whether this examination is redundant, since medical students are evaluated for these skills as a part of their academic training, the Medical Boards and Examiners state the following:

"While a number of medical schools do currently require their students to demonstrate proficiency in clinical skills, there is wide variation between school programs and requirements. But more importantly from a public protection perspective, these individuals are not being evaluated against a common standard. The public is best protected by a medical licensure system that relies upon an evaluation of fitness that is separate and independent from that utilized by the academic community. The United States medical licensure system is effective because it depends on a system of checks and balances between medical schools and evaluation for licensure outside the medical schools. Without the clinical skills test in place, a percentage of physicians who lack adequate clinical skills will continue to enter the practice of medicine every year."

Information for this article was obtained from "FACT SHEET – The USMLE Clinical Skills Examination" Federation of State Medical Boards and the National Board of Medical Examiners.

Board Member News

Welcome to **Dr. Keith Clemence** (Hales Corners) and **Dr. Karen Jahimiak** (Waukesha) as successors for Drs. Cynthia Riffle and Mark Curran whose terms recently expired. Drs. Clemence and Jahimiak bring experiences as general dentists from southeastern Wisconsin and are both members of the WDA. "I'll bring to the board experience as both a dental hygienist and a dentist--in my fair judgments to provide safe dental care to the citizens of Wisconsin," says Dr. Jahimiak.

Dr. Clemence states, "I was fortunate to observe my wife, Beth Jacko-Clemence, RDH, on the Dentistry Examining Board (DEB); she inspired my interest to serve. My experience in organized dentistry and ability to see all sides of the issues will assist me in helping the public, who place their trust in us."

The DEB is composed of six dentists, three dental hygienists, and two public members as the regulatory body responsible for the licensing and discipline of all dentists and dental hygienists in the state of Wisconsin.

Farewell to Drs. Riffle and Curran

A fond farewell to **Dr. Cynthia Riffle** and **Dr. Mark Curran** who served on the Board from July 1, 1993 to April 2002 in many different leadership roles. Their volunteerism and dedication are greatly appreciated by their fellow board members.

As we bid farewell to Mark and Cindy, we will remember them for their integrity, fairness, and commitment to the highest standards of our profession. We wish them the best in the future and thank them for their service to both the dental profession and the citizens of Wisconsin.

Laser Use by Dental Hygienists

Recently, the Board has become aware of numerous attempts throughout the state to promote the use of lasers by dental hygienists as a part of soft tissue management. The use of lasers for periodontal pocket reduction by hygienists is

not considered within their scope of practice and is therefore not permitted by Wisconsin statutes. At the same time, while it is permissible for dentists to use lasers for these procedures, any dentist contemplating their use, may want to refer to the Academy of Periodontology's article entitled, "Statement Regarding Use of Dental Lasers for Excisional New Attachment Procedure."

Dental Sealants

Under sec. DE 12.01, of the Wisconsin Administrative Code, dentists are prohibited from delegating the application of dental sealants to unlicensed persons. Therefore only dentists and dental hygienists are authorized to apply dental sealants. The use of dental assistants to apply sealants is prohibited.

Hygienist Services While Dentist Is On Vacation

The Board continues to receive questions concerning services that a dental hygienist may perform during the time that the dentist is away from the office, such as when the dentist is on vacation.

The governing Wisconsin law was enacted in 1990 in Wis. Stat. § 447.06 (2) (c). It provides that a hygienist may practice dental hygiene or perform remediable procedures if a dentist is not present in a dental office only if all of the following conditions are met:

1. The dental hygiene practices or remediable procedures are performed under a written or oral prescription of a dentist.
2. The dentist who made the prescription has examined the patient at least once during the year before the date of the prescription and at least once during the year before dental hygiene services are performed.
3. The written or oral prescription specifies the practices and procedures that the dental hygienist may perform with the informed consent of the patient.
4. The patient has been the dentist's patient for not less than 6 months.

A dental hygienist may not diagnose, determine any treatment regimen outside of the scope of dental hygiene, prescribe or order medication or perform any procedure that involves the intentional cutting of the tissue of the mouth. A dental hygienist is specifically prohibited from administering oral systemic premedications, local anesthesia or subgingival sustained release chemotherapeutic agents if the dentist is not on the premises and available.

A "written or oral prescription" is defined as a specific written or oral authorization by a dentist to perform patient procedures according to a clearly defined treatment plan developed by the dentist.

The Board is in the processing of revising a 1982 administrative rule to clarify this subject, Wis. Admin. Code § DE 3.02. Currently, the statute, Wis. Stat. § 447.06 (2) (c), is controlling and should be used as a resource for answering questions concerning dental hygiene practice when a dentist is not on the premises. The *Wisconsin Statutes* are available on the Internet at: <http://www.legis.state.wi.us/statutes/01Stat0447.pdf>.

Credential/License Renewal

Notice of renewal is provided to each holder of a credential at least 30 days prior to its renewal date. For dental hygienists it is October 1st of each odd numbered year, for dentists it is also October 1st of each odd numbered year.

Failure to receive a notice of renewal is not a defense in any disciplinary proceeding against the holder or in any proceeding against the holder for practicing without a credential/license. Failure to receive a notice of renewal does not relieve the holder from the obligation to pay a penalty for late renewal. Replacement of a lost credential/license or issuance of a duplicate credential can be requested from the Department of Regulation at a cost of ten dollars.

It is important for a dentist who has an associate or employs a dental hygienist that he/she request a copy of that person's current licensure. A copy may be kept in a confidential employee file.

In addition, displaying one's current licensure in a prominent place is required (Wis. Admin. Code S 2.03 (7)).

Disciplinary proceedings may include limitation, suspension, or revocation of a license of any dentist or dental hygienist who fails to renew his or her license within sixty days after the mailing of written notice to his/her last address. This disciplinary action can also apply to any dentist or dental hygienist who has employed, directly or indirectly, any unlicensed person to perform any act requiring licensure under Chapter 447.

Source: Wisconsin Statutes and Administrative Code relating to the practice of Dentistry and Dental Hygiene, March 2002, Section 440.08, Wis. Stats.

Digest Distribution Options

The Department of Regulation and Licensing is looking at various ways to improve service and at the same time reduce costs relating to our publications. One way to achieve this is by offering licensees the option of receiving the digests via e-mail. This will not only help DRL reduce costs, but will also allow licensees to receive the digests even before the hard copy is printed. Starting in February, the Department's website **www.drl.state.wi.us** will contain a place for licensees to register to receive digests via e-mail. The Department thanks you in advance for your participation in this new distribution system.

DISCIPLINARY ACTIONS

The disciplinary summaries are taken from orders that can be reviewed on the Department of Regulation and Licensing Web site: **www.drl.state.wi.us**. Click on "Publications" and then "Reports of Decisions" to view the order. Decisions reported below may have an appeal pending and the discipline may be stayed. The current status of the discipline may be viewed on the Department's Web Site under "License Lookup," by calling (608) 266-2112, or by checking the progress of cases in court at: **www.courts.state.wi.us**.

MICHAEL G. O'CONNELL, DDS

MADISON, WI REPRIMAND/FORFEITURE
Practiced dentistry without a current license registration from April 23, 2000 to October 2,

2001. Shall pay a forfeiture of \$1500.00. Effective 11/7/01. Violated sections 440.11 (7), 447.03(1), and 447.07, Wis. Stats. Case #LS0111072DEN.

BLAIR MOLDENHAUER, DDS

SUN PRAIRIE, WI

SUSPENSION/LIMITED/COSTS

Was convicted of violating Sec. 961.41 (1) (h) 1, a felony, the manufacture/delivery of THC (≤ 500 g). An independent review of seven selected patient records from Respondent's practice revealed an unusually frequent and high level of prescription orders for hydrocodone bitartrate. Several patients also received numerous prescription orders for diazepam. The patient records for the dates of the prescription orders contained either no basis for the pain medications or contained merely a brief reference to "TMJ pain." There did not appear to be minimally required radiographs, diagnostic tests or medical or dental histories to establish a basis for a TMJ diagnosis. Records contained no treatment plan or documentation of appropriate treatment of a TMJ condition, and no justification for continued use of controlled substances. License was suspended for an indefinite period, with the possibility for three month stays of suspension, conditioned on compliance with certain limitations. Stays of suspension have been ordered since January 2002. Costs of \$9,000.00 and forfeiture of \$5,000.00. Effective 1/9/02. Violated sections DE 5.02 (1), (2), (4), (5), (6), (15) and (16), Wis. Admin. Code. Case #LS0201092DEN.

WILLIAM BEAUPRE, DDS

MANITOWOC, WI

SUSPENSION/LIMITED/COSTS

Diverted hydrocodone from his dental clinic for his own personal use. A DEA audit revealed that 3,400 hydrocodone tablets had been distributed during the period January 15, 2001 to March 6, 2001, that were not documented. License was suspended indefinitely with an automatic three month stay of suspension imposed provided there is compliance with certain limitations. Subsequent stays have since been issued. Costs of \$1,006.00 and forfeiture of \$1,000.00. Effective 1/9/02. Violated sections DE 5.02 (1), (4), (5), (6), (15), and (16), Wis. Admin. Code. Case #LS0201091DEN.

JOHN REED, DDS

DEPERE, WI

SUSPENSION/LIMITED/COSTS

Has been charged in Brown County Circuit Court of a misdemeanor violation of Wis. Stats. sec. 450.11(7) (a) "obtaining prescription drug by

fraud." License is suspended for an indefinite period, with the possibility for three month stays of suspension conditioned upon compliance with certain limitations. Costs of \$1,710.00 and forfeiture of \$2500.00. Effective 3/6/02. Violated sections DE 5.02(1), (4), (5), (6), (15), and (16), Wis. Admin. Code. Case #LS0203063DEN.

DANIEL E. TACHE, DMD

APPLETON, WI REPRIMAND/COSTS
On March 30, 1999, during the course of an office visit diagnosed a patient with strep throat. No diagnostic tests were performed and there was nothing recorded in the patient records regarding this diagnosis. On March 30, 1999, prescribed a form of penicillin for a patient whose records noted an allergy to penicillin. Costs of \$900.00 and forfeiture of \$300.00. Effective 3/6/02. Violated sec. 447.07(3) (a), Wis. Stats., and sec. DE 5.02 (5), Wis. Admin. Code. Case #LS0203064DEN.

MARGARET ABOAGYE, DDS

RACINE, WI REPRIMAND/LIMITED/COSTS
On 7/27/01 filed a claim with an insurance company for services rendered on 7/03/01. Because the dental coverage for the patient under the policy had terminated on 7/01/01 the claim was denied. On 9/26/01 an employee re-filed the claim but altered the date of service to 5/16/01. The claim was again denied by the insurance company. The employee admitted to altering the date of service and to re-submitting the false claim. Aboagye failed to have in place a system for reviewing and verifying third party payment claims. Must participate in an education program in dental record keeping. Costs of \$650.00. Effective 5/1/02. Violated secs. 447.07 (3) (1) (a), (h) and (k), Wis. Stats. and sec. DE 5.02 (5), Wis. Admin. Code. Case #LS020501DEN.

JAMES R. LANDREMAN, DDS

ROSENDALE, WI LICENSE SURRENDER
Violated the requirements for participating in the impaired practitioner program and tested positive in a drug screen. Costs of \$400.00. Effective 5/1/02. Violated secs. DE 5.02(1), (6), (15) and (16) Wis. Admin. Code. Case #LS0205013DEN.

LEE KRAHENBUHL, DDS

OSHKOSH, WI
SUSPENSION/LIMITATION/FORFEITURE
Failed to properly perform a root canal on a patient and provided false information to the

department during the investigation of the matter. License suspended for 6 months effective 1/5/03. Upon reinstatement of dental license, the license shall be limited by the following terms and conditions: (1) Shall not perform any endodontic procedures other than pulp capping; (2) Shall participate in and satisfactorily complete a course in record keeping; (3) Patient records shall be monitored for a period of not less than 2 years. Assessable costs and forfeiture of \$5,000.00. Dated 12-6-02. Violated Wis. Admin. Code § DE 5.02 (5), and Wis. Stat. §§ 447.07 (3) (a) and (h), #LS0010011DEN. Dr. Krahenbuhl has petitioned the Winnebago County Circuit Court to stay and review the board's order.

RHONDA KAY CLANCEY, RDH

NEENAH, WI REPRIMAND/COSTS
Practiced dental hygiene without a license since September 1, 1979. Costs of \$250 and forfeiture of \$1500.00. Effective 7/10/02. Violated sec. DE 5.02 (16), Wis. Admin. Code. Case #LS0207101DEN.

DANIEL A. LARSON, DDS

KIMBERLY, WI REPRIMAND/LIMITED/COSTS
Practiced dentistry under an expired certificate of registration from October 2, 2001 to May 14, 2002. Costs of \$525.00. Effective 7/10/02. Violated sec. DE 5.02 (26), Wis. Admin. Code. Case #LS0207102DEN.

WINSTON SLATER DDS

MILWAUKEE, WI REPRIMAND
Practiced dentistry without a license from December 17, 1997 until January 11, 2001. Shall perform 30 hours of community service. Effective 11/06/02. Wis. Stat. §§ 440.11(7), 447.03(1) and 447.07. #LS0211062DEN.

LARRY NILLISSEN DDS

BIRNAMWOOD, WI LIMITED/COSTS
On January 4, 2002; pled no contest and was found guilty of three counts of violating Wis. Stat. § 940.225 (3m) (Fourth Degree Sexual Assault), a Class A misdemeanor, for having sexual contact with a person without the consent of that person on three separate occasions. License to practice dentistry is limited to providing dental services to patients age 18 and over. Effective 11/06/02. Wis. Admin. Code § DE 5.02 (15) and Wis. Stat. § 447.07 (3) (e). #LSLS0211061DEN.

**Wisconsin Department of
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Dentistry Examining Board
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WISCONSIN STATUTES AND CODE

Copies of the Wisconsin Statutes and Administrative Code relating to Dentistry can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition of the Code Book is dated February 2002.